

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: BASS, THOMAS E. & TAMMY
Debtor**

**APN Case No. 12-03148-KRH
Chapter 13**

ORDER OF DEFAULT JUDGMENT

This matter comes before the Court on the Motion for Entry of Default for failure to respond to Debtors' Complaint to Determine Validity, Extent and/or Priority of Liens Pursuant to 11 U.S.C. §522(f) and §506(d) (the "Complaint") filed by Thomas E. & Tammy Bass (the "Debtors"), pursuant to Federal Rules of Bankruptcy Procedure 4003(d) and 9014, and Local Bankruptcy Rules 4003-2 and 9013-1, against Charter One Bank, N.A. ("Charter One"), and James DeBoer, Trustee ("DeBoer").

It appearing that Charter One and DeBoer were duly served with a copy of the Complaint and Motion pursuant to Bankruptcy Rule 7004(b); and

It further appearing that Charter One and DeBoer having failed to plead or otherwise defend within thirty (30) days of the service of the Complaint, it is hereby

ORDERED that judgment is entered in favor of the Debtor against Charter One and DeBoer;

It is further ORDERED that Charter One and DeBoer's interests are void relating to Charter One's second Deed of Trust (the "Deed of Trust") recorded against Debtor's real property located at 1410 Walton Bluff Terrace, Midlothian, VA 23114 and more particularly described as:

ALL that certain lot, piece or parcel of land, lying and being in Chesterfield County, Virginia, and more particularly described as Lot 47, Block A, of Walton Bluff, as shown on plat of survey entitled "Walton Bluff", made by J. K. Timmons & Associates, P.C., dated August 5, 1986, recorded October 2, 1986, in the Clerk's Office, Circuit Court, Chesterfield County, Virginia, in Plat Book 54, page 85, to which plat reference is hereby made for a more particular description of said real estate.

BEING the same real estate conveyed to JAMES M. TRAYLOR and SYLVIA W. TRAYLOR, husband and wife, as tenants by the entirety with the right of survivorship as at common law, by Deed from Stephen W. Vargas and Stacy A. Vargas, husband and wife, dated January 11, 1999, recorded January 15, 1999, in the Clerk's Office Circuit Court, Chesterfield County, Virginia, in Deed Book 3472, Page 843.

It is further ORDERED that, upon the Debtors' receipt of a discharge in this case, the second lien Deed of Trust held by Charter One and recorded in the Clerk's office of the Circuit Court of the Chesterfield County in Deed book 7469 at page 0158 shall be extinguished;

It is further ORDERED that upon the Debtors' receipt of a discharge in this case, Charter One shall forthwith take all necessary steps to release the aforesaid Deed of Trust;

It is further ORDERED that the Clerk shall mail copies of this Order, once entered, to all parties on the attached service list.

Date: _____

U.S. Bankruptcy Judge

Entered on Docket: _____

I ask for this:

/s/ James M. Flaherty

James M. Flaherty (VSB#68148)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
(804) 358-9900
Counsel for Debtor

CERTIFICATION

I certify that a copy of this Order has been endorsed by all necessary parties.

/s/ James M. Flaherty
Counsel for Debtor

PARTIES TO RECEIVE COPIES

Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230

Carl M. Bates, Trustee
P.O. Box 1819
Richmond, VA 23218

Corporation Service Company
1111 East Main St
Richmond, VA 23219
Registered Agent for Charter One Bank, N.A

Estate of James DeBoer
1051 East Cary St
Ste 1111
Richmond, VA 23219
Trustee

Citizens Financial Group
Attn: Ellen Alemany, CEO
One Citizens Plaza
Providence, RI 02903